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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SNAPP, SANDRA S

ART UNIT PAPER NUMBER

3624

DATE MAILED: 10/02/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/309,131

Applicant(s)

GEER, TERRY L.

Examiner

Sandra Snapp

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- i) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification

The disclosure is objected to because of the following informalities: the information in the first paragraph regarding the parent application is not current and should be updated to reflect the current status of the application. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the payment" in line 4. There is insufficient antecedent basis for this limitation in the claim. On line 23, the phrase "the bank" is confusing. It is unclear if the applicant is referring to the depository bank or a different bank. Lines 29-32 are awkward and confusing, and should be clarified. In line 32, the phrase "the payor institution" lacks a proper antecedent basis. Claim 1 appears to be unfinished, it ends with the phrase "said instrument; and," and should be corrected to reflect a single sentence.

Claim 4 recites the limitation "the payment" in line 4. There is insufficient antecedent basis for this limitation in the claim. In line 15, the phrase "the instrument" is in the singular wherein previous recitations are in the plural. On lines 25-26, the phrase "a transmittable record" is recited. The same element is recited in line 11, if the two elements are the same, the

Art Unit: 3624

second occurrence should be preceded with “the” or “said.” In claim 4, the phrase “capture facility” and simply “facility” are both used more than once. The same is true of claims 6 and 7 as well. If the two elements are actually the same, the reference should be consistent.

In claim 5, line 3 two words prior to the end of the sentence there is a period “.”

Claim 8 recites the limitations "the check payments" in lines 1-2 and “the paper checks” in line 3. There is insufficient antecedent basis for these limitations in the claim.

Claims 10 and 11 recite the limitations "the check writer" in line 2 and “the check writer’s account” in line 3. There is insufficient antecedent basis for these limitations in the claim.

In claim 13, line 1, if the phrase “cash letters” is actually referring to the “cash letters of claim 12, line 1, then the phrase in claim 13 should be preceded by “the” or “said” to identify it is the same cash letters as previously identified.

Claims 14-17 recite the limitation "the information associated with a payment" in lines 1-2. Yet it is unclear to the Examiner what “information” is being referred to. Clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 8, 10, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by the Stephens et al. patent (US 5,237,159).

The Stephens reference discloses a system for effecting the deposit and submission into a payment system for financial instruments having:

A means for deriving financial information and converting it into a first record and such corresponding to the MICR line (col. 4, lines 57-68);

A means for associating the financial information with the payee's records (col. 5, lines 65-68 and col. 6, lines 1-68);

An imager for creating a second record that creates an electronic image (col. 5, lines 30-43);

An archive for storing the first and second records (col. 6, lines 9-11);

A first communication link (col. 5, lines 52-63);

A processor for adding document identifiers and routing information to the first information record (col. 5, lines 22-29);

A sorter for separating the records (col. 5, lines 44-51); and

A second communication link (col. 5, lines 44-63).

Claims 4, 5, 7, 9, 11-13, 15 and 17, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by the Stephens et al. patent (US 5,237,159).

The Stephens reference discloses a system for effecting the deposit and submission into a payment system for financial instruments having:

A means for deriving financial information and converting the information into a transmittable record (col. 4, lines 57-68);

A means for associating the record with the payee's records of account (col. 5, lines 65-68 and col. 6, lines 1-68);

A means for applying an indorsement indicia (col. 5, lines 1-68);

A sorter for separating the records (col. 5, lines 44-51);

A means for preparing a cash letter (col. 5, lines 11-21);

A transmission means for delivering bundled groups (col. 5, lines 30-51);

A communication link (col. 5, lines 52-63); and

A controller for coordinating the transmission of information (col. 5, lines 11-63).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Geer patent is the patent that issued from the parent application. Several publications directed to electronic check presentment systems were cited in the present application (see Notice of Reference Cited).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the


Art Unit: 3624

organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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September 27, 2002


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